

16. (Twice Amended) A method of increasing the level of Vitamin C produced in a plant, or portion thereof, comprising the step of: engineering said plant, or portion thereof, to express a recombinant nucleic acid that encodes an enzyme in a plant Vitamin C biosynthesis pathway, wherein said enzyme is selected from the group consisting of phosphoglucose isomerase, phosphomannomutase, GDP-mannose pyrophosphorylase, and GDP-D-mannose-3,5-epimerase.

20. (Twice Amended) The method of claim 16 wherein said plant, or portion thereof, has increased antioxidation capacity, relative to a progenitor plant from which said genetically engineered plant is derived.

R E M A R K S

The Office Action of January 8, 2002 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1-22 and 24-26 are pending in this case, claims 1, 16, and 20 being amended by this response. These amendments were discussed with the Examiner by telephone on April 1, 2002. The Applicant respectfully requests reconsideration of this case to put it in better condition for appeal. No new matter has been added.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

Rejections under 35 U.S.C. § 112, First Paragraph

6. Claims 1-22 remain rejected and claims 24-26 were rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement.

Applicant respectfully disagrees with the rejection, and believes that the claims, as amended, are enabled by the specification. The test for enablement is whether one reasonably skilled in the art would be able to practice the claimed invention without undue experimentation. *See e.g., Utter v Hiraga*, 845 F.2d 993, 6 USPQ2d 1709 (Fed. Cir. 1988). Thus, the specification need not (and preferably does not) disclose that which is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *In re Myers*, 410 F.2d 420, 161